

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

Timothy J. Donohue,)	
)	
Plaintiff,)	Case No. 4:22-CV-04044-KES
)	
vs.)	DEFENDANTS’
)	SUPPLEMENTAL
Arthur J. Gallagher & Co., a Delaware)	STATEMENT OF
Corporation; and Bob Jacobsen)	UNDISPUTED MATERIAL
)	FACTS
Defendants.)	
)	

Pursuant to Federal Rule of Civil Procedure 56 and District of South Dakota Local Rule L.R. 56.1A, Defendants hereby provide the following Supplemental Statement of Undisputed Materials Facts in support of their Motion for Partial Summary Judgment and in opposition to Plaintiff’s Motion for Partial Summary Judgment.

1. Plaintiff admitted at his deposition that, as shown in Deposition Exhibit 13, he texted the following to Jason Pieper about Senate Bill 92: “Maybe I should come out to Pierre and do some lobbying for your bill.” (Plf. Depo. 69:11-12.)

2. Plaintiff admitted at his deposition that his testimony regarding Senate Bill 92 was “voluntary” and did not include “pressure.” (Plf. Depo. 78:22-79:3.)

3. Plaintiff admitted at his deposition that he did not know whether the changes to law in Senate Bill 92 would change rules for AJG clients. (Plf. Depo. 79:17-80:6.)

4. Plaintiff admitted at his deposition that he did not ask anyone at AJG whether Senate Bill 92 would change any rules for AJG clients. (Plf. Depo. 80:7-10.)

5. Plaintiff admitted at his deposition that he checked the “for” box in the sign in sheet for the hearing on Senate Bill 92 because “that would be the most logical box to check...” (Plf. Depo. 80:20-81:6.)

6. Plaintiff admitted at his deposition that he did not tell the individuals he spoke with in Pierre during his trip to testify that he was not appearing on behalf of AJG. (Plf. Depo. 94:21-95:2.)

7. Plaintiff admitted at his deposition that he went to Pierre to “support Jason [Pieper] and his efforts to get this bill [Senate Bill 92] passed....” (Plf. Depo. 97:7-16.)

8. Plaintiff admitted at his deposition that he did not discuss his anticipated testimony before the South Dakota legislature with anyone at AJG before February 2, 2022. (Plf. Depo. 98:5-8.)

9. Plaintiff admitted at his deposition that he went through the training on AJG’s Global Standards, as reflected in Deposition Exhibit 22. (Plf. Depo. 99:4-8.)

Dated: December 16, 2022

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P. C.

/s/ Hal A. Shillingstad

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